

The Board of Adjustment of the City of Seabrook met on Monday, September 12, 2022 at 6:00 p.m. in the Seabrook City Hall, Council Chambers to discuss, consider, and if appropriate, take action with respect to the agenda items listed below.

THOSE PRESENT WERE:

SUE LANGGARD THOMEY	CHAIRMAN
MICHELE GLASER	VICE-CHAIR
EDELMIRO MUNIZ (exc. absence)	MEMBER
TIN NGO	MEMBER
TERRY MOORE	MEMBER
vacant	ALTERNATE MEMBERS
STEVE WEATHERED	CITY ATTORNEY
SEAN LANDIS	DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
PAT PATEL	ADMINISTRATIVE COORDINATOR

Sue Thomey called the meeting to order at 6:00 p.m.

1.0 ADMINISTER OATH OF WITNESSES

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None

3.0 SPECIFIC PUBLIC HEARING

Chair Sue Thomey opened the Public Hearings at 6:00 p.m.

Sean Landis Presentation:

- Applicant request is to reduce the side yard setback from the required five feet to 2.5 feet.
- The variance if approved would allow for an increase in width of the structure from 15 feet to 20 feet
- Per the Code of Ordinances, Appendix A "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-family detached residential district" Subsection 3.03.04 "area regulations:
- E. "Side Yards for Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall be minimum of five feet.
- If these lots were platted today, they would have to be 7,500 square feet each with a minimum lot width dimension of 50feet.
- Applicant is requesting to reduce that allowance for a 5ft side setback to what they are requesting is a 2.5feet side setback.

- If you were to build a house with 5ft. side setbacks, it creates a situation where your house is only going to be 15ft wide. What the applicant is requesting is an additional reduction in the side setback which would allow them to build a 20ft wide house on each one of these three lots.

Applicant Michael Porterfield Presentation:

- Developer would like to construct townhomes in this area – rental property
- Owners wants to rent these townhomes
- Foundation will be concrete structures, concrete columns, concrete beams, and they will have elevators and stairs with parking underneath them.
- Downstairs area would be stone columns and upstairs would be state-of-the-art architecture
- Would like to complement the surrounding community construction, would like to call it Villas on the Bay
- Would like to keep the hike and bike trail that goes thru the site.
- Added elevator on 3325 site – parking issue underneath – could not park in the perimeter of the building
- Site 3325 is wider in the back than the other two sites – more spacious inside
- See Attached Exhibit of Villas on the Bay

Public Comments:

- Bryan Sawyer, 502 E. Meyer Rd – no advantage for the community – traffic is already bad in this intersection – homes with 5 feet between them seems silly
- Ann Wacker, 526 Villa Dr. – has no problems with the design – it would be better if there were two houses instead of three – concerned that the architect did not show for the meeting
- Diane Morris, 522 Villa Dr. – Does not want Seabrook to look like downtown Houston – concerned about the trails – this is a busy intersection – will cause a lot of traffic jams and accidents
- Casey Thorn, 528 Villa Dr. – very high density – better to have two units instead of three – Todville road floods
- Masood Ahmad, 513 Villa Dr. – building in that corner is a bad idea – more accidents and issues – busy intersection – oppose any construction in that corner – need to mitigate safety
- John Xia, 529 Villa Dr. – safety issues – attraction is an issue – all neighborhoods need to look nice
- Patrick Cirino, 571 Villa Dr. – worried about school zone for Seabrook Intermediate – busy intersection – makes more sense to have two homes instead of three
- Paul Berwanger, 537 Villa Dr. – Does the bike trail go away? – Lot of people walking the trails will be forced off Todville Road – high pedestrian area – safety issue for pedestrians – need two houses not three

Chair Sue Thomey closed the public hearing at 6:57pm

3.1 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3319 Todville Road, Seabrook, TX 77586

Lot 3 of Bay Shore a Subdivision in Harris County, Texas.

Location: This property is located west of Todville Road, and south of Searidge Lane.

3.2 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3321 Todville Road, Seabrook, TX 77586

Lot 2 of Bay Shore a Subdivision in Harris County, Texas.

Location: This property is located west of Todville Road, and south of Searidge Lane.

3.3 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3325 Todville Road, Seabrook, TX 77586

Lot 1 of Bay Shore a Subdivision in Harris County, Texas.

Location: This property is located west of Todville Road, and south of Searidge Lane.

4.0 NEW BUSINESS

4.1 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet. Location 3319 Todville Road

VARIANCE FINDINGS PURSUANT TO SECTION 11.04.02 – the issuance of a variance may not be granted unless the board shall determine that all of the following criteria have been met:

A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.

Applicant's Answer: Sites were sold/purchased under the understanding the sites were 25'-0" wide and had no restrictions on the set backs which a home could comfortable be built upon. These properties should be grandfathered and now must comply after being approve with a new ordinance. These properties should have been considered grandfathered when changing the ordinance and provisions made allowing these site to be developed for their intended use as originally platted.

We find accordingly

Ayes:

Nays: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore

Abstain: None

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.

Applicant's Answer: The ordinance requirement of 5'-0" side setbacks on each side of a property prohibits these properties of the rights commonly enjoyed by other property owners in the district under the terms of this ordinance. Other properties have adequate building widths with new set back ordinances.

We find accordingly.

Ayes: Tin Ngo
Nays: Sue Thomey, Michele Glaser, Terry Moore
Abstain: None

C. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant's Answer: Property was originally purchased and platted with lots 25'-0" wide and 100'-0" long sites with no required minimum set backs until new ordinances and zoning changes were adopted, this change did not result from the applicant/property owner.

We find accordingly.

Ayes: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore
Nays:
Abstain: None

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Applicant's Answer: The variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district when considering the properties existing site limitations.

We find accordingly.

Ayes: Tin Ngo
Nays: Sue Thomey, Michele Glaser, Terry Moore
Abstain: None

E. That a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

Applicant's Answer: The literal enforcement of the provisions of this ordinance would result in unnecessary hardship preventing the development of the sites for it's intended use.

We find accordingly, for the reasons expressed herein:

Ayes:
Nays: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore
Abstain: None

VARIANCE DENIED

4.2 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet. Location 3321 Todville Road.

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We find accordingly

Ayes: Tin Ngo

Nays: Sue Thomey, Michele Glaser, Terry Moore

Abstain: None

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Nays: Terry Moore
Abstain: None

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A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.

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We find accordingly, for the reasons expressed herein:

Ayes:
Nays: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore
Abstain: None

VARIANCE DENIED

5.0 ROUTINE BUSINESS

5.1 Approve the minutes from the July 25, 2022 BOA meeting.

Motion was made by Michele Glaser and seconded by Terry Moore.

Approve the minutes as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 7:05 p.m.

APPROVED THIS 17th DAY OF October, 2022


Sue Thomey, Chairman


Pat Patel, Administrative Coordinator

PRE-LEASING

VILLAS ON THE BAY



AN EXCLUSIVE MULTISTORY DEVELOPMENT
OF 2 & 3 BEDROOM MEDITERANIAN STYLE
HOMES.

ROBINSON 2000 REAL ESTATE LLC

FOR LEASING INQUIRIES, PLEASE CONTACT

ALISON M. GRIGGS, UTR - TEXAS, REALATORS

832.455.3191 CELL